

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED

APR - 8 2005

[Signature]
CLERK

UNITED STATES OF AMERICA,

Plaintiff

vs.

CLAUDETTE RAIGH WALKING ELK,

Defendant

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CR. 05-10005

REPORT AND RECOMMENDATION
FOR DISPOSITION OF
DEFENDANT'S MOTION TO
SUPPRESS STATEMENT, DOCKET
NO. 21

Defendant, Claudette Raigh Walking Elk, filed a Motion to Suppress Statement, Docket No. 21. Because defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. § 636 (b)(1). Based on the findings, authorities and legal discussion made on the record at the April 2, 2004 hearing, the Court

RECOMMENDS that the defendant's Motion be DENIED in its entirety and with prejudice.

Dated this 7th day of April, 2005, at Aberdeen, South Dakota.

BY THE COURT:

[Signature]

MYLES J. DEVINE
UNITED STATES MAGISTRATE JUDGE

ATTEST:
JOSEPH HAAS, CLERK

BY:

[Signature]
Deputy

(SEAL)

(NOTICE)

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within ten (10) days from the date of service shall bar

an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(